April 2015

Rx News Bulletin

Bureau of Narcotics & Dangerous Drugs

Missouri Department of Health and Senior Services

health.mo.gov/safety/bndd/index.php

Emergency Prescriptions for Schedule II Drugs

With the re-scheduling of hydrocodone products to Schedule II, the BNDD has been receiving requests to verify how emergency prescriptions are handled. Here is a breakdown of prescription requirements for emergency Schedule II medications:

- The word "emergency " is defined in Federal Regulation Title 21 290.10, which states:

  For the purposes of authorizing an oral prescription of a controlled substance listed in schedule II of the Federal Controlled Substances Act, the term emergency situation means those situations in which the prescribing practitioner determines:

  (a) That immediate administration of the controlled substance is necessary, for proper treatment of the intended ultimate user; and

  (b) That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under schedule II of the Act, and

  (c) That it is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance, prior to the dispensing.

- In an emergency, a prescriber may telephone a prescription to a retail pharmacy. The prescriber should dictate the prescription to the pharmacy and explain that it is an emergency situation.

- The prescription should be limited to only an emergency supply, and provide enough doses to get the patient through the emergency period. This would routinely be an emergency prescription for a three or four day supply, until the prescriber can provide a full and signed prescription to the patient. As an example, a prescriber may telephone an emergency prescription late on a Saturday night and provide a two-day supply. The prescriber will then prepare a signed regular prescription for the patient the following Monday morning. Emergency prescriptions should not be for an extended period of time.

- After the prescriber telephones an emergency Schedule II prescription to a pharmacy, the prescriber has seven (7) days to provide the pharmacy with an original signed prescription. DEA Regulation 21 CFR 1306.11 states:

  (d1) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Dispensing beyond the emergency period must be pursuant to a separate written or signed prescription.

  (d2) The emergency prescription shall immediately be reduced to writing by a pharmacist and contain all of the required information on a prescription except the prescriber's signature.

  (d3) If the prescriber is not known to the pharmacist, the pharmacist shall make a reasonable effort to verify the prescription which may include verifying a DEA number or making a call back.

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Backlog in Processing Registrations

April through June is the busiest months for receiving and processing applications in the Missouri Bureau of Narcotics and Dangerous Drugs. The bureau has all of the routine applications coming in as well as all the applications for first time registrants. This always causes a backlog and a waiting period of up to 15 business days, which results in an increase in telephone calls and emails. The bureau reminds everyone that reminder post cards are mailed out to registrants sixty (60) days in advance of expiration dates.

There are instructions and frequently asked questions on our website at: health.mo.gov/BNDD to assist those applying. Applications must be submitted by the actual registrant and the application process cannot be delegated to another person.

Applying online is faster than submitting a paper application. To expedite your online process, please review the following:

- All registrations expire and require a new registration. There are no buttons that say "renewal." There is only one button to click on to apply for all registrations.
- Allow pop-ups to receive instructions. **Pop-up blockers must be turned off.**
- Online applications must be from a computer and cannot be from an I-phone or tablet.
- Type in your state BNDD number and not your DEA number. A BNDD number does not have any letters.
- The application is not submitted until you complete the click-to-pay process and payment is confirmed on your screen.
- A receipt will automatically appear on your screen. Print this as a receipt for your records.
- You can monitor when your registration is issued. Visit the BNDD website at: health.mo.gov/BNDD and click on the button to verify and print a registration. Enter your name and click on it for your current registration data and to print a certificate. Once your new information appears you will know your new registration has been issued.

REGISTRATION TYPE	NUMBER
Advanced Practice Nurse	675
Ambulatory Surgical Center	101
Analytical Lab	87
Business Researcher	120
Correctional Center	29
Dental Student	2
Distributor	42
Doctor of Dental Medicine	557
Doctor of Dental Surgery	2,227
Doctor of Optometry	683
Doctor of Osteopathy	2,747
Doctor of Podiatric Medicine	276
Doctor of Veterinary Medicine	1,716
Emergency Medical Service	331
Exporter	12
Hospice Facility	5
Hospital	177
Importer	12
Long Term Care-Automated Machine	24
Long Term Care Emergency Kit	534
Manufacturer	21
Medical Doctor	16,930
Mental Health Facility	3
Narcotic Treatment Program	14
Other	1
Pharmacy	1,350
Physician's Assistant	155
Researcher (Individual)	150
Teaching Institution	7
29 Registration Types	**28,988**

Find instructions and frequently asked questions at: health.mo.gov/BNDD.

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(d4) Within 7 days of the telephoned prescription, the prescriber must provide the pharmacy with an original signed prescription to cover the previous prescription that was phoned in. On the written prescription, the prescriber must note that this prescription was for "authorization of previous emergency dispensing." If the prescriber mails the prescription it must be post marked within the 7 day period. If the emergency prescription was for a patient in a long-term care facility or a hospice, then the prescriber may fax a signed prescription to the pharmacy and the fax may serve as the prescription for hospice and LTCF patients. Upon receipt of the signed prescription, the pharmacy shall attach the signed prescription to the previous telephoned prescription for filing.

Pursuant to state and federal regulations, when a pharmacy has not received the required prescription within 7 business days, the pharmacy is required to report the prescriber for failing to provide signed prescription. The pharmacy must report the prescriber to both the DEA and the state BNDD. The state regulation states that failure of the pharmacist to report the prescriber shall void the authority conferred upon the pharmacy to dispense emergency prescriptions without a signed prescription.

BNDD Files Proposed Regulations for Electronic Prescribing

The Bureau of Narcotics and Dangerous Drugs filed amended regulations to authorize the electronic prescribing of controlled substances in Missouri. The proposed amendments are intended to match the existing federal regulations, without any additional requirements at the state level.

Rules for prescribing, dispensing and record keeping are being amended to add phrasing so registrants may participate in electronic prescribing as authorized by federal law. The proposed rules were filed in the Missouri Register on March 2, 2015. After a 30-day comment period, the bureau will prepare a final order of rulemaking that may be published in April 2015. The rules will be in effect 30 days after they are published in the Missouri Register as Final Order of Rulemaking. It is anticipated that this will be in May 2015.

The bureau sent notifications to state licensing boards and professional associations that the rules have been filed. The bureau will send out another notice to boards and associations when the rules are final and effective.

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Alternate forms of this publication for persons with disabilities may be obtained by contacting the Missouri Department of Health and Senior Services, BNDD, P.O. Box 570, Jefferson City, MO, 65102, (573) 751-6321. Hearing- and speech-impaired citizens can dial 711. EEO/AAP services provided on a nondiscriminatory basis.